

THE HONORABLE JOHN C. COUGHENOUR

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE**

KAREN D. SMITH,

Plaintiff,

vs.

THE BANK OF NEW YORK MELLON
FKA THE BANK OF NEW YORK, AS
TRUSTEE FOR THE BENEFIT OF THE
CERTIFICATEHOLDERS OF THE CWABS
INC., ASSET-BACKED CERTIFICATES,
SERIES 2007-SD1, and NEW PENN
FINANCIAL LLP, d/b/a SHELLPOINT
MORTGAGE SERVICING, LLC, MTC
FINANCIAL, INC., DBA TRUSTEE CORPs,
and MALCOLM & CISNEROS, A LAW
CORPORATION,

Defendants.

CASE NO. 2:19-cv-00538-JCC

**MALCOLM ♦ CISNEROS, A LAW
CORPORATION’S ANSWER TO
PLAINTIFF’S SECOND AMENDED
COMPLAINT**

Defendant Malcolm ♦ Cisneros, A Law Corporation (“Defendant”) hereby answers
Plaintiff’s Second Amended Complaint (“Complaint”) as follows:

1 1. Answering paragraph 1 of the Complaint, Defendant is without information or
2 knowledge sufficient to admit or deny such allegations and, on that basis, denies such allegations.

3 2. Answering paragraph 2 of the Complaint, Defendant is without information or
4 knowledge sufficient to admit or deny such allegations and, on that basis, denies such allegations.

5 3. Answering paragraph 3 of the Complaint, Defendant is without information or
6 knowledge sufficient to admit or deny such allegations and, on that basis, denies such allegations.

7 4. Answering paragraph 4 of the Complaint, Defendant is without information or
8 knowledge sufficient to admit or deny such allegations and, on that basis, denies such allegations.

9 5. Answering paragraph 5 of the Complaint, Defendant is without information or
10 knowledge sufficient to admit or deny such allegations and, on that basis, denies such allegations.

11 6. Answering paragraph 6 of the Complaint, Defendant is without information or
12 knowledge sufficient to admit or deny such allegations and, on that basis, denies such allegations.

13 7. Answering paragraph 7 of the Complaint, Defendant is without information or
14 knowledge sufficient to admit or deny such allegations and, on that basis, denies such allegations.

15 8. Answering paragraph 8 of the Complaint, Defendant is without information or
16 knowledge sufficient to admit or deny such allegations and, on that basis, denies such allegations.

17 9. Answering paragraph 9 of the Complaint, Defendant is without information or
18 knowledge sufficient to admit or deny such allegations and, on that basis, denies such allegations.

19 10. Answering paragraph 10 of the Complaint, Defendant is without information or
20 knowledge sufficient to admit or deny such allegations and, on that basis, denies such allegations.

21 11. Answering paragraph 11 of the Complaint, Defendant is without information or
22 knowledge sufficient to admit or deny such allegations and, on that basis, denies such allegations.

23 12. Answering paragraph 12 of the Complaint, Defendant admits the allegations.

24 13. Answering paragraph 13 of the Complaint, Defendant admits that it is a law firm
25 incorporated in California. Defendant denies the remaining allegations contained in paragraph 13.

26 14. Answering paragraph 14 of the Complaint, Defendant denies the allegations.

27 15. Answering paragraph 15 of the Complaint, Defendant denies the allegations.

28 16. Answering paragraph 16 of the Complaint, Defendant denies the allegations.

- 1 17. Answering paragraph 17 of the Complaint, Defendant denies the allegations.
- 2 18. Answering paragraph 18 of the Complaint, Defendant denies the allegations.
- 3 19. Answering paragraph 19 of the Complaint, Defendant denies the allegations.
- 4 20. Answering paragraph 20 of the Complaint, Defendant denies the allegations.
- 5 21. Answering paragraph 21 of the Complaint, Defendant admits that California is its
- 6 principal place of business and its primary office is located in Irvine, California.
- 7 22. Answering paragraph 22 of the Complaint, Defendant denies the allegations.
- 8 23. Answering paragraph 23 of the Complaint, Defendant denies the allegations.
- 9 24. Answering paragraph 24 of the Complaint, Defendant denies the allegations.
- 10 25. Answering paragraph 25 of the Complaint, Defendant denies the allegations.
- 11 26. Answering paragraph 26 of the Complaint, Defendant denies the allegations.
- 12 27. Answering paragraph 27 of the Complaint, Defendant admits the allegations.
- 13 28. Answering paragraph 28 of the Complaint, Defendant is without information or
- 14 knowledge sufficient to admit or deny such allegations and, on that basis, denies such allegations.
- 15 29. Answering paragraph 29 of the Complaint, Defendant is without information or
- 16 knowledge sufficient to admit or deny such allegations and, on that basis, denies such allegations.
- 17 30. Answering paragraph 30 of the Complaint, Defendant is without information or
- 18 knowledge sufficient to admit or deny such allegations and, on that basis, denies such allegations.
- 19 31. Answering paragraph 31 of the Complaint, Defendant is without information or
- 20 knowledge sufficient to admit or deny such allegations and, on that basis, denies such allegations.
- 21 32. Answering paragraph 32 of the Complaint, Defendant is without information or
- 22 knowledge sufficient to admit or deny such allegations and, on that basis, denies such allegations.
- 23 33. Answering paragraph 33 of the Complaint, Defendant is without information or
- 24 knowledge sufficient to admit or deny such allegations and, on that basis, denies such allegations.
- 25 34. Answering paragraph 34 of the Complaint, Defendant is without information or
- 26 knowledge sufficient to admit or deny such allegations and, on that basis, denies such allegations.
- 27 35. Answering paragraph 35 of the Complaint, Defendant is without information or
- 28 knowledge sufficient to admit or deny such allegations and, on that basis, denies such allegations.

1 36. Answering paragraph 36 of the Complaint, Defendant is without information or
2 knowledge sufficient to admit or deny such allegations and, on that basis, denies such allegations.

3 37. Answering paragraph 37 of the Complaint, Defendant is without information or
4 knowledge sufficient to admit or deny such allegations and, on that basis, denies such allegations.

5 38. Answering paragraph 38 of the Complaint, Defendant is without information or
6 knowledge sufficient to admit or deny such allegations and, on that basis, denies such allegations.

7 39. Answering paragraph 39 of the Complaint, Defendant is without information or
8 knowledge sufficient to admit or deny such allegations and, on that basis, denies such allegations.

9 40. Answering paragraph 40 of the Complaint, Defendant is without information or
10 knowledge sufficient to admit or deny such allegations and, on that basis, denies such allegations.

11 41. Answering paragraph 41 of the Complaint, Defendant denies the allegations.

12 42. Answering paragraph 42 of the Complaint, Defendant denies the allegations.

13 43. Answering paragraph 43 of the Complaint, Defendant is without information or
14 knowledge sufficient to admit or deny such allegations and, on that basis, denies such allegations.

15 44. Answering paragraph 44 of the Complaint, Defendant is without information or
16 knowledge sufficient to admit or deny such allegations and, on that basis, denies such allegations.

17 45. Answering paragraph 45 of the Complaint, Defendant is without information or
18 knowledge sufficient to admit or deny such allegations and, on that basis, denies such allegations.

19 46. Answering paragraph 46 of the Complaint, Defendant denies the allegations.

20 47. Answering paragraph 47 of the Complaint, Defendant is without information or
21 knowledge sufficient to admit or deny such allegations and, on that basis, denies such allegations.

22 48. Answering paragraph 48 of the Complaint, Defendant is without information or
23 knowledge sufficient to admit or deny such allegations and, on that basis, denies such allegations.

24 49. Answering paragraph 49 of the Complaint, Defendant is without information or
25 knowledge sufficient to admit or deny such allegations and, on that basis, denies such allegations.

26 50. Answering paragraph 50 of the Complaint, Defendant is without information or
27 knowledge sufficient to admit or deny such allegations and, on that basis, denies such allegations.

28 51. Answering paragraph 51 of the Complaint, Defendant is without information or

knowledge sufficient to admit or deny such allegations and, on that basis, denies such allegations.

52. Answering paragraph 52 of the Complaint, Defendant is without information or knowledge sufficient to admit or deny such allegations and, on that basis, denies such allegations.

53. Answering paragraph 53 of the Complaint, Defendant denies the allegations.

54. Answering paragraph 54 of the Complaint, Defendant denies the allegations.

55. Answering paragraph 55 of the Complaint, Defendant is without information or knowledge sufficient to admit or deny such allegations and, on that basis, denies such allegations.

56. Answering paragraph 56 of the Complaint, Defendant denies the allegations.

57. Answering paragraph 57 of the Complaint, Defendant denies the allegations.

58. Answering paragraph 58 of the Complaint, Defendant is without information or knowledge sufficient to admit or deny such allegations and, on that basis, denies such allegations.

59. Answering paragraph 59 of the Complaint, Defendant admits that it served as legal counsel for Shellpoint in connection with the “FFA Mediation” described therein. Defendant is without information or knowledge sufficient to admit or deny the remaining allegations contained in paragraph 59, and, on that basis, denies such allegations.

60. Answering paragraph 60 of the Complaint, Defendant is without information or knowledge sufficient to admit or deny such allegations and, on that basis, denies such allegations.

61. Answering paragraph 61 of the Complaint, Defendant is without information or knowledge sufficient to admit or deny such allegations and, on that basis, denies such allegations.

62. Answering paragraph 62 of the Complaint, Defendant is without information or knowledge sufficient to admit or deny such allegations and, on that basis, denies such allegations.

63. Answering paragraph 63 of the Complaint, Defendant admits that it served as legal counsel for BONY in the case identified therein. Defendant denies the remaining allegations contained in paragraph 63.

64. Answering paragraph 64 of the Complaint, Defendant admits the allegations.

65. Answering paragraph 65 of the Complaint, Defendant denies the allegations.

66. Answering paragraph 66 of the Complaint, Defendant admits the allegations.

67. Answering paragraph 67 of the Complaint, Defendant admits the allegations.

1 68. Answering paragraph 68 of the Complaint, Defendant denies that a collection agency
2 license is necessary because Defendant is not a debt collector.

3 69. Answering paragraph 69 of the Complaint, Defendant is without information or
4 knowledge sufficient to admit or deny such allegations and, on that basis, denies such allegations.

5 70. Answering paragraph 70 of the Complaint, Defendant is without information or
6 knowledge sufficient to admit or deny such allegations and, on that basis, denies such allegations.

7 71. Answering paragraph 71 of the Complaint, Defendant is without information or
8 knowledge sufficient to admit or deny such allegations and, on that basis, denies such allegations.

9 72. Answering paragraph 72 of the Complaint, Defendant is without information or
10 knowledge sufficient to admit or deny such allegations and, on that basis, denies such allegations.

11 73. Answering paragraph 73 of the Complaint, Defendant is without information or
12 knowledge sufficient to admit or deny such allegations and, on that basis, denies such allegations.

13 74. Answering paragraph 74 of the Complaint, Defendant is without information or
14 knowledge sufficient to admit or deny such allegations and, on that basis, denies such allegations.

15 75. Answering paragraph 75 of the Complaint, Defendant is without information or
16 knowledge sufficient to admit or deny such allegations and, on that basis, denies such allegations.

17 76. Answering paragraph 76 of the Complaint, Defendant is without information or
18 knowledge sufficient to admit or deny such allegations and, on that basis, denies such allegations.

19 77. Answering paragraph 77 of the Complaint, Defendant is without information or
20 knowledge sufficient to admit or deny such allegations and, on that basis, denies such allegations.

21 78. Answering paragraph 78 of the Complaint, Defendant is without information or
22 knowledge sufficient to admit or deny such allegations and, on that basis, denies such allegations.

23 79. Answering paragraph 79 of the Complaint, Defendant is without information or
24 knowledge sufficient to admit or deny such allegations and, on that basis, denies such allegations.

25 80. Answering paragraph 80 of the Complaint, Defendant is without information or
26 knowledge sufficient to admit or deny such allegations and, on that basis, denies such allegations.

27 81. Answering paragraph 81 of the Complaint, Defendant incorporates its responses to
28 paragraphs 1 through 80 *supra*, by reference thereto.

1 82. Answering paragraph 82 of the Complaint, Defendant submits that the statutes
2 identified speak for themselves and that no response by Defendant is required. However, to the
3 extent that a response is required, Defendant is without information or knowledge sufficient to admit
4 or deny such allegations and, on that basis, denies such allegations.

5 83. Answering paragraph 83 of the Complaint, Defendant denies the allegations.

6 84. Answering paragraph 84 of the Complaint, Defendant denies the allegations.

7 85. Answering paragraph 85 of the Complaint, Defendant denies the allegations.

8 86. Answering paragraph 86 of the Complaint, Defendant admits that it served as legal
9 counsel for BONY in a judicial foreclosure case wherein a complaint for judicial foreclosure was
10 filed on April 11, 2018. Defendant denies the remaining allegations contained in paragraph 86.

11 87. Answering paragraph 87 of the Complaint, Defendant denies the allegations.

12 88. Answering paragraph 88 of the Complaint, Defendant denies the allegations.

13 89. Answering paragraph 89 of the Complaint, Defendant denies the allegations.

14 90. Answering paragraph 90 of the Complaint, Defendant denies the allegations.

15 91. Answering paragraph 91 of the Complaint, Defendant denies the allegations.

16 92. Answering paragraph 92 of the Complaint, Defendant denies the allegations.

17 93. Answering paragraph 93 of the Complaint, Defendant denies the allegations.

18 94. Answering paragraph 94 of the Complaint, Defendant denies the allegations.

19 95. Answering paragraph 95 of the Complaint, Defendant denies the allegations.

20 96. Answering paragraph 96 of the Complaint, Defendant denies the allegations.

21 97. Answering paragraph 97 of the Complaint, Defendant is without information or
22 knowledge sufficient to admit or deny such allegations and, on that basis, denies such allegations.

23 98. Answering paragraph 98 of the Complaint, Defendant denies the allegations.

24 99. Answering paragraph 99 of the Complaint, Defendant is without information or
25 knowledge sufficient to admit or deny such allegations and, on that basis, denies such allegations.

26 100. Answering paragraph 100 of the Complaint, Defendant is without information or
27 knowledge sufficient to admit or deny such allegations and, on that basis, denies such allegations.

28 101. Answering paragraph 101 of the Complaint, Defendant denies the allegations.

1 102. Answering paragraph 102 of the Complaint, Defendant denies the allegations.

2 103. Answering paragraph 103 of the Complaint, Defendant incorporates its responses to
3 paragraphs 1 through 102 *supra*, by reference thereto.

4 104. Answering paragraph 104 of the Complaint, Defendant denies the allegations.

5 105. Answering paragraph 105 of the Complaint, Defendant submits that the statutes
6 identified speak for themselves and that no response by Defendant is required. However, to the
7 extent that a response is required, Defendant is without information or knowledge sufficient to admit
8 or deny such allegations and, on that basis, denies such allegations.

9 106. Answering paragraph 106 of the Complaint, Defendant submits that the statutes
10 identified speak for themselves and that no response by Defendant is required. However, to the
11 extent that a response is required, Defendant is without information or knowledge sufficient to admit
12 or deny such allegations and, on that basis, denies such allegations.

13 107. Answering paragraph 107 of the Complaint, Defendant denies the allegations.

14 108. Answering paragraph 108 of the Complaint, Defendant denies the allegations.

15 109. Answering paragraph 109 of the Complaint, Defendant denies the allegations.

16 110. Answering paragraph 110 of the Complaint, Defendant denies the allegations.

17 111. Answering paragraph 111 of the Complaint, Defendant is without information or
18 knowledge sufficient to admit or deny such allegations and, on that basis, denies such allegations.

19 112. Answering paragraph 112 of the Complaint, Defendant denies that it engaged in any
20 “unfair or deceptive practices.” Defendant further denies the remaining allegations contained in
21 paragraph 112.

22 113. Answering paragraph 113 of the Complaint, Defendant is without information or
23 knowledge sufficient to admit or deny such allegations and, on that basis, denies such allegations.

24 114. Answering paragraph 114 of the Complaint, Defendant is without information or
25 knowledge sufficient to admit or deny such allegations and, on that basis, denies such allegations.

26 115. Answering paragraph 115 of the Complaint, Defendant is without information or
27 knowledge sufficient to admit or deny such allegations and, on that basis, denies such allegations.

28 116. Answering paragraph 116 of the Complaint, Defendant is without information or

1 knowledge sufficient to admit or deny such allegations and, on that basis, denies such allegations.

2 117. Answering paragraph 117 of the Complaint, Defendant is without information or
3 knowledge sufficient to admit or deny such allegations and, on that basis, denies such allegations.

4 118. Answering paragraph 118 of the Complaint, Defendant is without information or
5 knowledge sufficient to admit or deny such allegations and, on that basis, denies such allegations.

6 119. Answering paragraph 119 of the Complaint, Defendant denies the allegations.

7 120. Answering paragraph 120 of the Complaint, Defendant denies the allegations.

8 121. Answering paragraph 121 of the Complaint, Defendant denies the allegations.

9 122. Answering paragraph 122 of the Complaint, Defendant is without information or
10 knowledge sufficient to admit or deny such allegations and, on that basis, denies such allegations.

11 123. Answering paragraph 123 of the Complaint, Defendant denies the allegations.

12 124. Answering paragraph 124 of the Complaint, Defendant is without information or
13 knowledge sufficient to admit or deny such allegations and, on that basis, denies such allegations.

14 125. Answering paragraph 125 of the Complaint, Defendant is without information or
15 knowledge sufficient to admit or deny such allegations and, on that basis, denies such allegations.

16 126. Answering paragraph 126 of the Complaint, Defendant denies the allegations.

17 127. Answering paragraph 127 of the Complaint, Defendant denies the allegations.

18 128. Answering paragraph 128 of the Complaint, Defendant denies the allegations.

19 129. Answering paragraph 129 of the Complaint, Defendant denies the allegations.

20 130. Answering paragraph 130 of the Complaint, Defendant denies the allegations.

21 131. Answering paragraph 131 of the Complaint, Defendant incorporates its responses to
22 paragraphs 1 through 130 *supra*, by reference thereto.

23 132. Answering paragraph 132 of the Complaint, Defendant incorporates its responses to
24 paragraphs 1 through 131 *supra*, by reference thereto.

25 133. Answering paragraph 133 of the Complaint, Defendant denies the allegations.

26 134. Answering paragraph 134 of the Complaint, Defendant denies the allegations.

27 135. Answering paragraph 135 of the Complaint, Defendant denies the allegations.

28 136. Answering paragraph 136 of the Complaint, Defendant denies the allegations.

1 137. Answering paragraph 137 of the Complaint, Defendant denies the allegations.
2 138. Answering paragraph 138 of the Complaint, Defendant denies the allegations.
3 139. Answering paragraph 139 of the Complaint, Defendant denies the allegations.
4 140. Answering paragraph 140 of the Complaint, Defendant denies the allegations.
5 141. Answering paragraph 141 of the Complaint, Defendant denies the allegations.
6 142. Answering paragraph 142 of the Complaint, Defendant incorporates its responses to
7 paragraphs 1 through 141 *supra*, by reference thereto.
8 143. Answering paragraph 143 of the Complaint, Defendant denies the allegations.
9 144. Answering paragraph 144 of the Complaint, Defendant denies the allegations.
10 145. Answering paragraph 145 of the Complaint, Defendant denies the allegations.
11 146. Answering paragraph 146 of the Complaint, Defendant denies the allegations.
12 147. Answering paragraph 147 of the Complaint, Defendant denies the allegations.
13 148. Answering paragraph 148 of the Complaint, Defendant denies the allegations.
14 149. Answering paragraph 149 of the Complaint, Defendant is without information or
15 knowledge sufficient to admit or deny such allegations and, on that basis, denies such allegations.
16 150. Answering paragraph 150 of the Complaint, Defendant is without information or
17 knowledge sufficient to admit or deny such allegations and, on that basis, denies such allegations.
18 151. Answering paragraph 151 of the Complaint, Defendant is without information or
19 knowledge sufficient to admit or deny such allegations and, on that basis, denies such allegations.
20 152. Answering paragraph 152 of the Complaint, Defendant is without information or
21 knowledge sufficient to admit or deny such allegations and, on that basis, denies such allegations.
22 153. Answering paragraph 153 of the Complaint, Defendant denies the allegations.
23 154. Answering paragraph 154 of the Complaint, Defendant denies the allegations.
24 155. Answering paragraph 155 of the Complaint, Defendant denies the allegations.
25 156. Answering paragraph 156 of the Complaint, Defendant denies the allegations.
26 157. Answering paragraph 157 of the Complaint, Defendant denies the allegations.
27 158. Answering paragraph 158 of the Complaint, Defendant incorporates its responses to
28 paragraphs 1 through 157 *supra*, by reference thereto.

159. Answering paragraph 159 of the Complaint, Defendant denies the allegations.
160. Answering paragraph 160 of the Complaint, Defendant denies the allegations.
161. Answering paragraph 161 of the Complaint, Defendant denies the allegations.
162. Answering paragraph 162 of the Complaint, Defendant denies the allegations.
163. Answering paragraph 163 of the Complaint, Defendant denies the allegations.
164. Answering paragraph 164 of the Complaint, Defendant denies the allegations.
165. Answering paragraph 165 of the Complaint, Defendant denies the allegations.
166. Answering paragraph 166 of the Complaint, Defendant denies the allegations.
167. Answering paragraph 167 of the Complaint, Defendant denies the allegations.
168. Answering paragraph 168 of the Complaint, Defendant denies the allegations.
169. Answering paragraph 169 of the Complaint, Defendant incorporates its responses to paragraphs 1 through 168 *supra*, by reference thereto.
170. Answering paragraph 170 of the Complaint, Defendant is without information or knowledge sufficient to admit or deny such allegations and, on that basis, denies such allegations.
171. Answering paragraph 171 of the Complaint, Defendant is without information or knowledge sufficient to admit or deny such allegations and, on that basis, denies such allegations.
172. Answering paragraph 172 of the Complaint, Defendant is without information or knowledge sufficient to admit or deny such allegations and, on that basis, denies such allegations.
173. Answering paragraph 173 of the Complaint, Defendant denies the allegations.
174. Answering paragraph 174 of the Complaint, Defendant is without information or knowledge sufficient to admit or deny such allegations and, on that basis, denies such allegations.
175. Answering paragraph 175 of the Complaint, Defendant is without information or knowledge sufficient to admit or deny such allegations and, on that basis, denies such allegations.
176. Answering paragraph 176 of the Complaint, Defendant is without information or knowledge sufficient to admit or deny such allegations and, on that basis, denies such allegations.
177. Answering paragraph 177 of the Complaint, Defendant denies that the “mortgage debt” identified therein is “time barred.” Defendant is without information or knowledge sufficient to admit or deny the remaining allegations contained in paragraph 177, and, on that basis, denies

1 such allegations.

2 178. Answering paragraph 178 of the Complaint, Defendant is without information or
3 knowledge sufficient to admit or deny such allegations and, on that basis, denies such allegations.

4 179. Answering paragraph 179 of the Complaint, Defendant denies that the “debt”
5 identified therein is “time barred.” Defendant is without information or knowledge sufficient to
6 admit or deny the remaining allegations contained in paragraph 179, and, on that basis, denies such
7 allegations.

8 180. Answering paragraph 180 of the Complaint, Defendant is without information or
9 knowledge sufficient to admit or deny such allegations and, on that basis, denies such allegations.

10 181. Answering paragraph 181 of the Complaint, Defendant is without information or
11 knowledge sufficient to admit or deny such allegations and, on that basis, denies such allegations.

12 182. Answering paragraph 182 of the Complaint, Defendant is without information or
13 knowledge sufficient to admit or deny such allegations and, on that basis, denies such allegations.

14 183. Answering paragraph 183 of the Complaint, Defendant incorporates its responses to
15 paragraphs 1 through 182 *supra*, by reference thereto.

16 184. Answering paragraph 184 of the Complaint, Defendant is without information or
17 knowledge sufficient to admit or deny such allegations and, on that basis, denies such allegations.

18 185. Answering paragraph 185 of the Complaint, Defendant denies the allegations.

19 186. Answering paragraph 186 of the Complaint, Defendant denies the allegations.

20 187. Answering paragraph 187 of the Complaint, Defendant denies the allegations.

21 188. Answering paragraph 188 of the Complaint, Defendant incorporates its responses to
22 paragraphs 1 through 187 *supra*, by reference thereto.

23 189. Answering paragraph 189 of the Complaint, Defendant submits that the statute
24 identified speaks for itself and that no response by Defendant is required. However, to the extent
25 that a response is required, Defendant is without information or knowledge sufficient to admit or
26 deny such allegations and, on that basis, denies such allegations.

27 190. Answering paragraph 190 of the Complaint, Defendant is without information or
28 knowledge sufficient to admit or deny such allegations and, on that basis, denies such allegations.

191. Answering paragraph 191 of the Complaint, Defendant denies the allegations.

192. Answering paragraph 192 of the Complaint, Defendant denies the allegations.

193. Answering paragraph 193 of the Complaint, Defendant denies the allegations.

194. Answering paragraph 194 of the Complaint, Defendant denies the allegations.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

(Failure to State a Claim)

Plaintiff fails to state a claim on which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

(Uncertainty)

The Complaint is uncertain as to Defendant.

THIRD AFFIRMATIVE DEFENSE

(Plaintiff's Fault)

Any damages that Plaintiff may have suffered were directly and proximately caused, or contributed to, by her own actions and/or omissions. Therefore, any recovery by Plaintiff should be barred or proportionately reduced according to her percentage of fault.

FOURTH AFFIRMATIVE DEFENSE

(Fault of Third Parties)

Any damages which may have been suffered by Plaintiff, other than those due to her own actions and/or omissions, were directly and proximately caused, in whole or in part, by the intervention of separate causes originating from persons or entities for whom the answering Defendant is not responsible and/or over whom the answering Defendant has no control.

FIFTH AFFIRMATIVE DEFENSE

(Good Faith and Commercial Reasonableness)

Defendant has acted in good faith and in a commercially reasonable manner with respect to the transactions and conduct at issue.

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SIXTH AFFIRMATIVE DEFENSE**(Ratification)**

Plaintiff expressly, ostensibly, and/or implicitly authorized or ratified the transactions and conduct at issue.

SEVENTH AFFIRMATIVE DEFENSE**(Estoppel)**

Plaintiff is estopped from raising these claims against Defendant, because any injury that Plaintiff claims to have suffered is due to, *inter alia*, her own acts and omissions.

EIGHTH AFFIRMATIVE DEFENSE**(Contributory Fault)**

Defendant alleges that, at the times and places mentioned in the Complaint, Plaintiff's negligence in and about the matters and things alleged in the Complaint caused any damages that she may have suffered, and because said negligence occurred at the same point in time as the alleged misconduct of Defendants, Plaintiff's conduct legally caused and/or contributed to whatever injury and/or damages Plaintiff may have sustained, if any.

NINTH AFFIRMATIVE DEFENSE**(Avoidable Consequences)**

Plaintiff could have avoided suffering damages, if in fact Plaintiff has suffered damages, through reasonable effort or expenditure on her part, but she failed to do so.

TENTH AFFIRMATIVE DEFENSE**(Failure to Mitigate)**

Plaintiff's claims are barred in whole or in part because of her failure to take reasonable steps to mitigate her damages.

ELEVENTH AFFIRMATIVE DEFENSE**(Plaintiff Has Not Been Damaged)**

Plaintiff has not suffered any damages as a result of any act or omission on the part of the Defendant.

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TWELFTH AFFIRMATIVE DEFENSE

(Unjust Enrichment)

Plaintiff would be unjustly enriched if she were allowed any recovery as a result of this action.

THIRTEENTH AFFIRMATIVE DEFENSE

(Res Judicata, Collateral Estoppel, Judicial Estoppel, and Economic Loss)

The claims in the Complaint are barred, in whole or in part, by the doctrines of res judicata, collateral estoppel, judicial estoppel, and economic loss.

FOURTEENTH AFFIRMATIVE DEFENSE

(Statute of Limitations)

All causes of action alleged by Plaintiff are barred by the applicable statutes of limitations.

FIFTEENTH AFFIRMATIVE DEFENSE

(Waiver, Laches, Estoppel)

All causes of action alleged by Plaintiff are barred by the doctrines of waiver, laches, and estoppel.

SIXTEENTH AFFIRMATIVE DEFENSE

(Unclean Hands)

All causes of action alleged by Plaintiff are barred by the doctrine of unclean hands.

SEVENTEENTH AFFIRMATIVE DEFENSE

(Equitable Estoppel)

The conduct of Plaintiff bars any relief under the principles of equitable estoppel.

EIGHTEENTH AFFIRMATIVE DEFENSE

(Attorney Fees and Costs)

There is no basis for recovery of attorney fees or costs from Defendant.

NINETEENTH AFFIRMATIVE DEFENSE

(No Standing)

Plaintiff lacks standing to bring some or all of her claims and causes of action.

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TWENTIETH AFFIRMATIVE DEFENSE

(Plaintiff is Not Entitled to Relief)

Defendant denies that Plaintiff is entitled to any relief for which she prays.

TWENTY-FIRST AFFIRMATIVE DEFENSE

(Failure to Do Equity)

Defendant avers the affirmative defense of failure to do equity.

TWENTY-SECOND AFFIRMATIVE DEFENSE

(Bona Fide Error)

To the extent that Defendant engaged in the conduct alleged in the Complaint, which Defendant denies, such conduct was the result of an innocent mistake or bona fide error notwithstanding reasonable procedures implemented by Defendant to avoid any such conduct and that Defendant acted reasonably at all material times. Therefore, Defendant cannot be held liable under the Fair Debt Collection Practices Act.

TWENTY-THIRD AFFIRMATIVE DEFENSE

(Reservation of Rights)

All affirmative defenses may not be listed here because facts may exist unknown to Defendant at this time. Defendant reserves the right to amend its Answer to add such affirmative defenses in the event further information or investigation warrants it.

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PRAYER

Wherefore, Defendant prays for judgment against Plaintiff as follows:

1. That Plaintiff takes nothing and that she be awarded nothing by virtue of her Complaint and that judgment be rendered in favor of Defendant;
2. That Defendant be awarded its attorney fees and costs of suit incurred in defense of this action; and
3. For such other and further relief as the Court deems just and proper.

DATED: August 30, 2019

Respectfully Submitted,

MALCOLM ♦ CISNEROS, A Law Corporation

By: /s/ Nathan F. Smith
Nathan F. Smith, WSBA #43160
Attorneys for Malcolm ♦ Cisneros,
A Law Corporation
2112 Business Center Drive
Irvine, California 92612
Phone: (949) 252-9400
Fax: (949) 252-1032
Email: nathan@mclaw.org

CERTIFICATE OF SERVICE

I hereby certify that on August 30, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Michael Steven DeLeo
mdeleo@prklaw.com,rwhite@prklaw.com

Donald Gene Grant
don@dongrantps.com

Christina Latta Henry
chenry@HDM-legal.com,mainline@hdm-legal.com

Arthur E Ortiz
arthur@aeolegal.com,arthur@hrmseattle.com

Nathan F. Smith
nathan@mclaw.org,cvalenzuela@mclaw.org

Dated: August 30, 2019

/s/ Christina Valenzuela

Christina Valenzuela

An employee of Malcolm ♦ Cisneros, ALC